

# Tailings and sewer contracts slow Mayflower project

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Mayflower developers still have to resolve their problem with two mine tailings ponds, sign a final agreement with the Heber Valley Sewer District, work out the location of utility connections, particularly across the new U.S. 40 Highway, and resolve some legal matters. Then they can draw up their final plans for the recreation community, nine miles north of

Heber City, which will include more than 2,000 housing units.

The pending issues were discussed by Wasatch County officials and Mayflower developers last Saturday in Heber City. Although the list is short no one was willing to estimate how long it will take for it to be completed.

Mayflower's tailings questions are complicated by the U.S. Bureau

of Reclamation, which is considering moving mine tailings from the Jordanelle Reservoir site, which are on the EPA's priority list, to the Mayflower ponds, which have been removed from the list. The combined tailings problem would then be resolved jointly.

The Bureau has requested a solution to the Mayflower tailings problem by Jan. 1, 1989, according to Arie Bogerd, the Netherlands developer. However, Bob Mathis, County Planner, said the Bureau can't very well hold firmly to that deadline because "they held up the planning for their own facility and they are not in a position to answer the questions they have to answer by Jan. 1.

Mayflower's attorney, Craig Smay, said the problem with tailings is not what they consist of, or even how close they are to population centers. The questions is whether or not contaminants are escaping and if they have a "pathway" to population centers.

Mr. Smay explained the reason the Mayflower tailings were taken

off the EPA's list wasn't that the Park City population was any further away. He said the EPA discovered there was no way for contamination from the tailings to reach the City. In fact, he said there are contaminants in the tailings but none are escaping.

He pointed out that, for instance, Mayflower's wells will be on the mountain above the tailings and that whatever may be in the tailings can't travel up.

He reported that he had just received a letter from an EPA representative who said the EPA is no longer interested in the Mayflower site and that it is now a state problem.

"In this state, the State of Utah is the contractor for the EPA — in one sense the State of Utah is the EPA," he said.

Therefore, if the state signs off on the project, it is settled, he said. However, it is, ultimately, Mayflower's responsibility to be as sure as possible that the tailings can never cause any harm to anyone.

Mr. Mathis said, according to the reports he's read, the tailings are not a danger even in their present state.

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# Tailings Studies Released

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Hazardous waste assessment studies of three mine tailings sites in Wasatch County report that concentrations in the material do not pose any direct danger, but can become hazardous when soil is ingested directly or components are imported in the food chain.

The documents address the "health and environmental" aspects of two Mayflower tailings ponds, located between Park City and Heber City, and the Olson-Neihart tailings reservoir, on what will become the bottom of the Jordanelle Reservoir. All the sites were put on the EPA's Superfund list — priorities for which money would be available for cleanup. However, the Mayflower tailings were removed.

Craig Smay, lawyer for the Mayflower developers, summarized the findings. He said there are pollutants at the sites that are dangerous "if you eat them" or if there is a "path" they can follow to population centers.

The reports make recommendations for preventing leakage of the materials in the tailings, to eliminate any possible "paths."

The studies were conducted by Bingham Engineering and Delft Geotechnics. They are documented in two reports and three appendices.

According to the study, approximately 400,000 tons were deposited at the Mayflower site between 1962 and 1972, and 285,000 tons were deposited between 1958 and 1972 at the reservoir site.

Cyanide was detected in one sample from the reservoir. It is one of the "components that have been included as potentially hazardous,

[but] can be excluded as a result of the low concentrations detected in the original tailing material...

"There are six components present in concentrations that can cause problems if they occur in soluble form...arsenic, cadmium, copper, lead, manganese and zinc.

"The soil downhill from the sites have been contaminated, especially in (dry) water courses...Only manganese exceeds limits set for drinking water quality. This is the case for a well below the [Olson-Neihart] tailings and a well downstream of the [Mayflower] ponds. The measured concentrations in the other wells are close to the drinking water standard."

The studies recommend digging ditches that transport runoff water from the tailings, for about three feet, "capping the tailings and redirecting runoff water around the tailings. The rate and amount of water filtering into the tailings should be limited as much as possible to minimize ground water contamination and to preserve the existing anaerobic conditions in the tailings. This can be realized by capping the tailings, preventing water standing on this cap and minimizing the total area of tailing deposits..."

"If the anaerobic condition in the tailings is preserved only manganese and sulphate will infiltrate into the aquifers in concentrations that exceed drinking water standards. Comparing these concentrations to the natural surface and ground water quality in the area, it is not anticipated that this load will have any additional adverse effect on the environment."

# Mayflower and Sewer District Near Agreement

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The developers of the proposed Mayflower resort community, north of Heber City, and the governing board of the Heber Valley Sanitation District appear close to agreement on the terms of a contract that will allow Mayflower to hook 868 units onto the sewer system.

However, during a meeting last week to discuss the issue, the Board members said they didn't feel they could sign the latest contract presented by Craig Smay, Mayflower's attorney, because it was different from the one prepared by the attorney representing the District, Jim Smedley.

Smay insisted his contract was the same as Smedley's, with only minor changes in wording to clarify meanings and make the document easier to read. He said he hadn't changed any of the terms.

But the Board said they wanted Smedley to review the contract before they signed it. Smedley was out of town and would not be available until this week.

The two sides have agreed that Mayflower must provide a total \$2.8 million during the next five years. Some of that money will be from interest accumulated during the period. For instance, Mayflower's first payment will be \$943,000 which, at eight percent interest would provide \$1.39 million in five years.

The engineering consultant for

the District, Lee Wimmer, said he agreed with the price, but disagreed with the formula for arriving at that amount, which was included in Smay's contract. Therefore, he requested that the formula be deleted.

Smay, and Arie Bogerd, the Netherlands developer, argued that the formula should remain, so that it can be used again if more units are added to the development. They said the calculations should also be available for other developers, to assure fairness.

Wimmer argued that circumstances, possibly even technology, could be very different at a future time. He said the District couldn't be tied to the same formula, whatever it might be. He said any future development, by Mayflower or anyone else, would have to be negotiated based on the circumstances and costs at the time.

He pointed out that the present treatment plant was built with 1979 dollars and that future buy-ins and construction costs could be expected to be different.

Board members said the formula used to decide Mayflower's costs, can be documented by resolutions in the Board's minutes, if needed.

Another discussion centered on the cost of adding a cell to the sewage treatment plant to accommodate Mayflower. Smay and Bogerd said Mayflower should receive some form of refund if the cell will accommodate more than

the 868 Mayflower connections. Members of the Board pointed out that Mayflower's buy-in was not just for a share of the cell capacity, but also for a share of all the other equipment at the plant.

Heber City Councilman Scott Wright, a member of the Board, pointed out that everyone on the system benefits as others are added and share the costs. User fees in Heber and Midway Cities, now on the system, will go down when Mayflower begins to share the costs, and Mayflower will benefit when other developers buy in, he said.

Midway Mayor Gene Probst, Chairman of The Board, said the two groups had met several times and that he thought they had agreed to the contract submitted by Smedley. He said he objected to Smay continuing to rewrite the contracts.

"I think you need to understand that we're going to write this document. If you want to correct it, or negotiate some points, I think that's fine. But I don't think we're going to allow [Mayflower] to alter this document. Any time we send you one, you reconstruct the whole thing, and we end up in a deadlock," he said.

Referring to Smedley's latest contract, he said, "The last I heard there were two or three minor things that needed to be adjusted, and that's the last I heard about it."

Smay defended rewriting the contract, insisting he hadn't changed any of the terms, and had only rewritten it to make "straightforward sense."

At that point everyone agreed they needed to meet with Smedley, compare the wording in the two documents, and form a final contract, rather than continuing to pass it back and forth.